

REMARKS

The courtesies extended and helpful comments provided to applicant and applicant's representative by Examiner Harper during the personal interview conducted November 19, 2004 are acknowledged and appreciated. During the aforementioned personal interview applicant demonstrated a search system incorporating features and aspects according to one embodiment of the invention including a product called "SpotIt!" referenced in the subject patent application. As indicated by the Interview Summary issued by the Examiner, claims 1 and 22 were discussed during the interview together with the Clements articles. Consistent with such discussions, the claims of the instant application are amended to further distinguish the invention over the applied art by emphasizing that data related to the audio segment is relied upon for determining an appropriate set of rules to apply to the audio segment (e.g., define a target phrase or utterance to be identified within the segment) such that a search is performed in accordance therewith, as further explained below.

As an initial matter, claims 7, 31-33, 34, 36, 50, 51 and 53 are amended to address informalities identified by the Examiner in the Objection to those claims. Claim 8 is amended to clarify that the referenced "determining" step corresponds to that recited by claim 7. Claims 22, 23, 29, 51, 52 and 58 are amended to define the abbreviations ANI, CTI and DNS. The abbreviation "ID" cited by the Examiner in paragraph 5 of the outstanding Office Action could not be found in the claims and, accordingly, clarification is requested.

Independent claims 1, 28, 30, 57, and 59 are amended to emphasize that data related to the audio segment is relied upon to formulate rules and thereby define the search. Thus, for example, metadata (e.g. as recited by amended independent claim 59 and new dependent

claims 61 and 66) associated with the audio segment is used to determine the appropriate rules (e.g., target phrases or utterances) to be found in the audio segment.

Although this specific term “metadata” was not used in the original specification as filed, it would have been understood by one skilled in the art at the time the application was filed to mean “data about data” including the types of data specified in claim 13 (CTI) and claim 14 (DNIS, ANI and Agent ID) as evidenced by Glowney et al, Patent Publication No. US 2001/0040942 (“Glowney”) cited and applied by the Examiner, e.g.:

...The recorded digitized audio is then combined with descriptive information ("metadata") obtained through a Computer Telephony Integration (CTI) communications link with the PBX...

Glowney, Paragraph 0032;

...Functionally, the Call Record Generator (CRG) produces Master Call Records, which encapsulate information (metadata) describing a telephone call....

Glowney, Paragraph 0039;

...The CTI Server is responsible for supplying certain metadata regarding telephony events to the Voice Server's Call Record Generator 150. This metadata, such as called party and calling party numbers, trunk and channel ID, date and time, agent ID, etc., is combined by the Call Record Generator along with the other metadata, and data that is provided by the Audio Recorder 145 itself....

Glowney, Paragraph 0044;

...The CRG is responsible for collecting data from different sources with respect to portions of a call on various recording input channels, and merging them together into a unified call record. One of these sources is the recorder that creates the files containing media. Another sources provides metadata describing the when, who, why and where information of a call. This call record metadata comprises the start and stop times of a segment within a call, as well as CTI data such as telephone numbers and agent IDs. These metadata sources include but are not limited to Telephony switches and Trunked Radio servers. The CRG depends upon the CTI Server to normalize data from these sources.....

Glowney, Paragraph 0160;

...The term "Metadata" refers to informational data associated with multimedia data describing its contents....

Glowney, Paragraph 0187.

The outstanding rejection of the claims is believed overcome by the present amendment. In particular, claims 1-6, 13-15, 17, 19-21, 24-28, 30-35, 42-44, 46, 48-50, 53-57 and 59 are rejected under 35 U.S.C. § 102(a) as being anticipated by Clements ("Phonetic Searching of Digital Audio"). Claims 7-9, 11, 36-38 and 40 are rejected under 35 § 103(a) as being unpatentable over Clements in view of U. S. patent No. 6,185,527 to Petkovic et al. Claims 10, 12, 39 and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Clements in view of Petkovic and Frakes et al. ("Information Retrieval, data Structures & Algorithms"). Claims 16, 18, 45 and 47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Clements in view of Frakes. Claims 22, 23, 29, 51, 52 and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Clements in view of U. S. Patent Application Publication 2001/0040942 to Glowny et al.

However, as discussed during the Interview, while the cited references describe various core speech search engines, none describe or suggest the use of data associated with an audio segment to determine a set of rules, and a search of the audio segment being performed in accordance with those rules. For example, according to an embodiment of the invention demonstrated during the Interview, metadata associated with the audio segment (i.e., data about the audio) characterizing some aspect of the audio segment (e.g., time, telephone number, etc.) is used to define target phrases to be identified in the associated audio segment. The prior art fails to describe or suggest such a feature and, accordingly, fails to anticipate or render obvious the claims as amended. The present invention is an agnostic

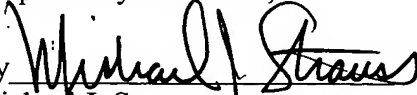
to the technology used for the core speech search engine. Accordingly, the present invention could use either the core search engine described in Clements or other similar engines.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. 436.007/09903737 from which the undersigned is authorized to draw.

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Respectfully submitted,

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